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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

HEATHER BOONE and ROXANNE
RIVERA, on behalf of themselves and all
others similarly situated

Plaintiffs,

v.

AMAZON.COM SERVICES, LLC,
Defendant.

Case No. 1:21-cv-00241-DAD-BAM

**JOINT STIPULATION AND ORDER AS TO
DEFENDANT'S ANSWER DEADLINE TO
PLAINTIFFS' SECOND AMENDED
COMPLAINT**

Second Amended Complaint Filed: Jan. 14, 2022

Pursuant to Rule 143 of the Local Rules of the United States District Court for the Eastern District of California and Rule 15(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs Heather Boone and Roxanne Rivera and Defendant Amazon.com Services, LLC (collectively, the “Parties”), by and through their undersigned counsel of record, hereby stipulate and request as follows:

WHEREAS, Plaintiffs filed a Complaint in this Court on February 23, 2021 (Dkt. No. 1);

WHEREAS, Plaintiffs then filed their First Amended Complaint on May 14, 2021 (Dkt. No. 23);

WHEREAS, Defendant filed its Motion to Dismiss the Plaintiffs’ First Amended Complaint on June 3, 2021 (Dkt. No. 24);

WHEREAS, Briefing on Defendant’s Motion to Dismiss the Plaintiffs’ First Amended Complaint was closed on June 29, 2021 when Defendant filed its Reply in Support of Defendant’s Motion to Dismiss the Plaintiffs’ First Amended Complaint (Dkt. No. 30);

WHEREAS, the Parties then reached an agreement for Plaintiffs to file a Second Amended Complaint on or before January 14, 2022. (Dkt. 35).

WHEREAS, the Parties further agreed that the Motion to Dismiss filed by Defendant on June 3, 2022 constituted the responsive pleading for Plaintiffs’ Second Amended Complaint and Defendant’s Motion to Dismiss the Plaintiffs’ First Amended Complaint was deemed a Motion to Dismiss Plaintiffs’ Second Amended Complaint. (*Id.*).

WHEREAS, the Parties have further agreed that the Court’s decision as to whether Plaintiffs have sufficiently pled Count 1 of the Plaintiffs’ First Amended Complaint (Failure to Pay All Wages in Violation of Cal. Labor Code §§ 204, 1194, 1194.2, 1197, 1197.1, 1198) and Count 2 (Failure to Pay Overtime (Violation of California Labor Code §§ 510, 558, 1194; and IWC Wage Order 4-2001)) shall be applicable to Plaintiffs’ claim under the California Private Attorney General Act. (*Id.*)

WHEREAS, the Plaintiffs’ Second Amended Complaint was filed on January 14, 2022. (Dkt. 36).

WHEREAS, the Court issued its Order granting in part and denying in part Defendant’s Motion to Dismiss. (Dkt. 39). In the Court’s Order, the Court directed Plaintiffs to file a notice of intent to

1 proceed on the remaining claims in the Second Amended Complaint or to file a Third Amended Com-
2 plaint by April 1, 2022. (*Id.* at pg. 31).

3 WHEREAS, the Plaintiffs have agreed to proceed on the remaining claims in the Second
4 Amended Complaint and the Plaintiffs do not intend to file a Third Amended Complaint.

5 THEREFORE, IT IS STIPULATED AND REQUESTED THAT, by and between the under-
6 signed counsel, and subject to the Court's approval, that the deadline for Defendant to file its Answer
7 to Plaintiffs' Second Amended Complaint is Monday, April 11, 2022.

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9 Dated: March 23, 2022

HODGES & FOTY, LLP

10 By: /s/ Don J. Foty
11 Don J. Foty (admitted *pro hac vice*)
David W. Hodges (admitted *pro hac vice*)

12 *Attorneys for Plaintiffs Heather Boone*
13 *and Roxanne Rivera*

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15 By: /s/ Bradley J. Hamburger
16 Jason C. Schwartz (admitted *pro hac vice*)
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18 *Attorneys for Defendant Amazon.com Services LLC*
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ORDER

Based upon the stipulation of the parties, and for cause shown, IT IS HEREBY ORDERED, that Defendant shall have an extension of time, to and including April 11, 2022, in which to file a response to Plaintiff's Second Amended Complaint.

IT IS SO ORDERED.

Dated: March 23, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE